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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,835	06/27/2006	Jean-Francois Tardy	1217-0172PUS1	3513
2292 7590 06/17/2009 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER BRADFORD, CANDACE L				
ART UNIT 3634		PAPER NUMBER		
NOTIFICATION DATE 06/17/2009		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

### Office Action Summary

**Application No.**

10/563,835

**Applicant(s)**

TARDY, JEAN-FRANCOIS

**Examiner**

CANDACE L. BRADFORD

**Art Unit**

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 and 17-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14, 17-20 and 22-24 is/are rejected.
- 7) ☐ Claim(s) 15 and 21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 January 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 1-9-06
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "20" and "22" have both been used to designate the return spring. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

The disclosure is objected to because of the following informalities: The applicant has not provided the proper headings in the specification. Appropriate correction is required.

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "20" and "22" have both been used to designate the return spring. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear to the examiner as to what opposed section of the mast the crown member is mounted for sliding. Appropriate clarification is required.

Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: The applicant has not stated what the means for driving the stop comprise. Appropriate correction is required.

Claim 18 recites the limitation "the shape" in line 2. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

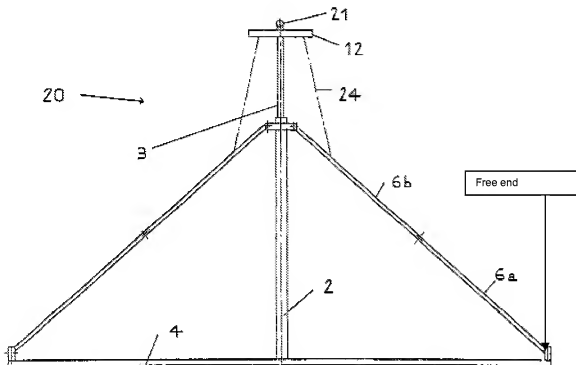
The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Tardy (6598831). Tardy discloses a pod for evacuating persons, including a central mast 2, 3, a support section 1, of which bears ends of arms 4, pivotally mounted so that respective opposed free sections are, in a folded back position substantially axial in

relation to an axis of the mast maintained by a removable locking device, wherein the locking device comprises an axially movable crown member 5, 12, disposed at an axial distance from the support section to radially maintain the arms locked, as recited in column 4, lines 12-15, the crown member being held in a locking position, through a hysteresis effect, in which the crown member can be driven, through the expansion of a loaded spring 22, one end of which occupies a counter-pressure position axially fixed in relation to the mast in a movement of recoil from its locking position, only after an additional loading of the spring by an external force, as recited in column 4, lines 21-27, in order to release a mobile stop 13, arranged for inhibiting the action of the spring and held in a precarious anti-recoil stop equilibrium by the crown member



Claim 2 is rejected under 35 U.S.C. 102(b) as being anticipated by Tardy (6598831). Tardy discloses a pod according to claim 1, in which the crown member 5, 12, is mounted for sliding on an opposed section 3 of the mast.

Claim 3 is rejected under 35 U.S.C. 102(b) as being anticipated by Tardy (6598831). Tardy discloses a pod according to claim 1, in which the crown member 5, 12, is mounted for sliding on a section of a particular one of the arms 4.

Claim 4 is rejected under 35 U.S.C. 102(b) as being anticipated by Tardy (6598831). Tardy discloses a pod according to claim 3, in which the spring 27, is arranged so that its counter-pressure is exerted on a lateral relief portion of the particular arm 4.

Claim 5 is rejected under 35 U.S.C. 102(b) as being anticipated by Tardy (6598831). Tardy discloses a pod according to claim 1, in which the stop 13, is arranged to take a counter-pressure on a lateral relief portion of one of the arms 4.

Claim 6 is rejected under 35 U.S.C. 102(b) as being anticipated by Tardy (6598831). Tardy discloses a pod according to claim 1, in which there are provided means , as recited in column 4, lines 21-27, for driving the stop 13, out of its position of precarious equilibrium.

Claim 7 is rejected under 35 U.S.C. 102(b) as being anticipated by Tardy (6598831). Tardy discloses a pod according to claim 6, in which the means for driving the stop 13, comprise a return spring 27.

Claim 8 is rejected under 35 U.S.C. 102(b) as being anticipated by Tardy (6598831). Tardy discloses a pod according to claim 6, in which the means for driving the stop 13, comprise a link 19 fixed to the crown member 5, 12.

Claim 9 is rejected under 35 U.S.C. 102(b) as being anticipated by Tardy (6598831). Tardy discloses a pod according to claim 6, in which the means for driving the stop 13, comprise.

Claim 10 is rejected under 35 U.S.C. 102(b) as being anticipated by Tardy (6598831). Tardy discloses a pod according to one of claim 1, in which the crown member 5, 12, comprises an axial relief portion 11, for maintaining the stop 13, in precarious equilibrium, as recited in column 4, lines 15-20 .

Claim 11 is rejected under 35 U.S.C. 102(b) as being anticipated by Tardy (6598831). Tardy discloses a pod according to claim 1, in which the stop 13, is mounted so as to be movable on the mast 2, 3, as best seen in Figures 4 and 5.

Claim 12 is rejected under 35 U.S.C. 102(b) as being anticipated by Tardy (6598831). Tardy discloses a pod according to one of claim 1, in which the stop 13, is mounted so as to be movable on the crown member 5, 12.

Claim 17 is rejected under 35 U.S.C. 102(b) as being anticipated by Tardy (6598831). Tardy discloses a pod according to one of claim 1, in which the stop 13, comprises a hook having an inner abutment surface cooperating with a relief portion for retaining the crown member 5, 12, as recited in column 4, lines 15-20.

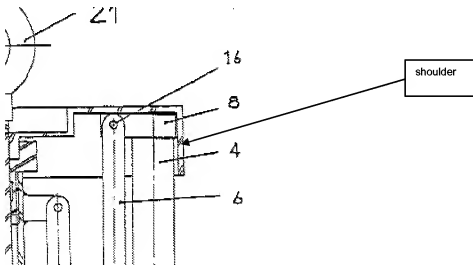
Claim 18 is rejected under 35 U.S.C. 102(b) as being anticipated by Tardy (6598831). Tardy discloses a pod according to one of claim 1, in which the stop 13, 26 has the shape of a cam arranged for, when located outside the position of precarious equilibrium, being driven by the crown member 5, 12, out of the recoil travel of the latter.

Claim 19 is rejected under 35 U.S.C. 102(b) as being anticipated by Tardy (6598831). Tardy discloses a pod according to claim 1, in which the crown member 5, 12, has a determined mass to perform the additional loading of the spring (20) in the event of a threshold of deceleration being exceeded, as recited in column 4, lines 21-27.

Claim 20 is rejected under 35 U.S.C. 102(b) as being anticipated by Tardy (6598831). Tardy discloses a pod according to claim 1, in which the crown member 5, 12, is formed by a ring beating tabs for holding the free sections 8, of the respective arms, as best seen in Figure 4.

Claim 22 is rejected under 35 U.S.C. 102(b) as being anticipated by Tardy (6598831). Tardy discloses a pod according to claim 1, in which the crown member 5, 12, is arranged to cooperate with a safety mechanism 6, provided for holding it in the position for locking the arms 4.

Claim 24 is rejected under 35 U.S.C. 102(b) as being anticipated by Tardy (6598831). Tardy discloses a pod according to claim 22, in which the crown member 5, 12, belongs to a head of the mast 2, 3, comprising a slide means of the safety mechanism, movable in a radial plane of the mast, as best seen in Figures 4 and 5, to cooperate with at least one shoulder facing the crown member in order to axially block the crown member in at least one sliding direction.



***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tardy (6598831) in view of Dietz et. al. (6189834). Tardy as advanced above fails to disclose a pivotally mounted stop. Dietz et. al. teaches the utility of a pivotally mounted stop. The use of a pivotally mounted stop is commonly used in the art to allow for the stop to be activated automatically when a force is applied to it. Therefore, it would have been obvious to one of ordinary skill in the art to provide the rescue device of Tardy with a pivotally mounted stop as taught by Dietz et. al. so as to allow for the stop to be activated automatically when a force is applied to it.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tardy (6598831) in view of Dietz et. al. (6189834). Tardy as advanced above fails to disclose a pivotally mounted stop, however Tardy discloses a stop member 13, mounted so as to move about an axis substantially parallel to a sliding direction of the crown member 5, 12, so as to be drawn back, out of a position of precarious equilibrium, into an angular sector affording it free axial passage. Dietz et. al. teaches the utility of a pivotally mounted stop. The use of a pivotally mounted stop is commonly used in the art to allow for the stop to be activated automatically when a force is applied to it. Therefore, it would have been obvious to one of ordinary skill in the art to replace the stop of Tardy with a pivotally mounted stop as taught by Dietz et. al. so as to allow for the stop to be activated automatically when a force is applied to it.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tardy (6598831) in view of Haslim (5020742). Tardy as advanced above fails to disclose a

mast having a non-circular cross-section. Haslim teaches the utility of a telescoping mast having a non-circular cross-section, as recited in column 3, lines 60 and 61. It is common practice in the art for the mast to be fitted to shape corresponding sliding member. Therefore it would have been obvious to one of ordinary skill in the art to replace mast of the rescue device of Tardy with a mast having a non-circular cross-section as taught by Haslim so as to correspond to the shape of the sliding member of the rescue apparatus.

***Allowable Subject Matter***

Claims 15 and 21 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CANDACE L. BRADFORD whose telephone number is (571)272-8967. The examiner can normally be reached on 9am until 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on (571) 272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Candace L. Bradford  
Patent Examiner  
Art Unit 3634  
June 10, 2009

/Alvin C. Chin-Shue/  
Primary Examiner, Art Unit 3634